

REMARKS

Claims 1-20 have been examined. Applicants are adding new claims 21-26. Claims 1-26 are now all the claims pending in the application.

Applicants respectfully request that the Examiner accept the original drawings filed on May 4, 1999 by the next Office communication.

Applicants note that the Examiner has indicated that document 296 19 764 U1 was not considered because no translation was provided. MPEP §609(III)(A)(3)(Concise Explanation of Relevance for Non-English Language Information) states that “[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.” Applicants’ Information Disclosure Statement filed September 20, 2000, included a copy of a corresponding Communication from a Foreign Patent Office indicating the degree of relevance. Accordingly, Applicants respectfully request that the Examiner consider document 296 19 764 U1, by the next Office communication.

This Amendment is believed to be fully responsive to each point of rejection raised by the Examiner in the non-final Office action dated May 15, 2002. Accordingly, Applicants respectfully request favorable reconsideration and allowance of the pending claims.

Rejection of Claims 19 and 20

The Examiner has rejected claims 19 and 20 under 35 U.S.C. § 112, second paragraph, as

allegedly being indefinite. Applicants have amended claims 19 and 20 in a manner that addresses the issues raised by the Examiner. (See, e.g. page 23, lines 2-10, of Applicants' specification). Accordingly, Applicants respectfully request that the rejection of claims 19 and 20 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejection of Claims 1-5, 9-15 and 19-20

The Examiner has rejected claims 1-5, 9-15 and 19-20 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,644,507 (hereinafter Ostrover). Applicants respectfully traverse this rejection.

Applicants appreciate the Examiner's attempt to respond to the arguments set forth in Applicants' Amendment filed August 15, 2002. However, Applicants respectfully disagree and believe that the Examiner has misunderstood Applicants' previous arguments and did not adequately address the first and second full paragraphs, on page 3, of the Amendment. MPEP §707.07(f)(Answer All Material Traversed)(8th Edition) states where Applicants traverse any rejection, the Examiner should answer the substance of Applicants' arguments.

With respect to claim 1, the Examiner alleges that for the first reproduce control information the data in common blocks corresponds to substantial data, however, for the second reproduce control information the data unique to one version corresponds to substantial data. Indisputably, this interpretation of Ostrover is inconsistent with the plain language of claim 1.

Stated differently, claim 1 recites only one substantial data, "the substantial data." In contrast, the Examiner is alleging a first substantial data (data in common blocks) and a second

substantial data (data unique to one version). In view of the antecedent for substantial data, recited in claim 1, the Examiner's interpretation is not persuasive.

MPEP §2111.01(8th Edition) states that the "*words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art.*" In re Sneed, 710 F.2d 1544, 218 U.S.P.Q. 385 (Fed. Cir. 1983)(emphasis added). The Examiner's interpretation of claim 1 and application of Ostrover is contrary to the rules of the MPEP and statutory law.

Notwithstanding the above, Applicants have amended the claims to further clarify their invention. These amendments are supported on page 46, lines 20-25 and page 59, line 21 - page 61, line 2, of Applicants' specification. Applicants provide the following comments.

With respect to the information recording medium of claim 1, the reproduce control information includes second control information required for reproducing the substantial data in a predetermined reproduce pattern and the predetermined reproduce pattern is employed for reproducing the substantial data in two or less channels.

Ostrover is silent as to these aspects of claim 1.

For any and all reasons presented above, Ostrover fails to render obvious the information recording medium of claim 1. Claims 2-5 are patentable at least by virtue of their dependency.

Since independent claims 9 and 11 and dependent claims 10, 12-15, and 19-20 contain features that are similar to the features discussed above in conjunction with independent claim 1, then Ostrover fails to render obvious claims 9-15 and 19-20. Accordingly, Applicants respectfully request that the rejection of claims 1-5, 9-15 and 19-20 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 6-8 and 16-18

The Examiner has rejected claims 6-8 and 16-18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ostrover, and further in view of U.S. Patent No. 5,809,201 (hereinafter Nagasawa). Applicants respectfully traverse this rejection.

Applicants note that Nagasawa fails to compensate for the deficiencies of Ostrover. Nagasawa is silent as to the reproduce control information including second control information required for reproducing the substantial data in a predetermined reproduce pattern and the predetermined reproduce pattern is employed for reproducing the substantial data in two or less channels.

Ostrover and Nagasawa, individually or in combination, fail to render obvious claims 1, 9 and 11. Claims 6-8 and 16-18 are patentable at least by virtue of their dependency.

New Claims

Applicants have added new claims 21-26, which contain features similar to those discussed above with respect to independent claims 1, 9 and 11. Accordingly, Applicants submit that claims 21-26 are patentable for at least the reasons presented above.

Conclusion

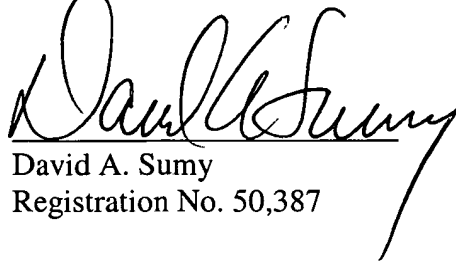
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116
U.S. Application No. 09/285,772

Attorney Docket No. Q53891
Art Unit 2615

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


David A. Sumy
Registration No. 50,387

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) An information recording medium on which are recorded substantial data and reproduce control information for reproducing the substantial data, wherein the reproduce control information comprises:

first reproduce control information required for reproducing the substantial data in a plurality of available reproduce patterns; and

second reproduce control information required for reproducing the substantial data in a predetermined reproduce pattern, the predetermined reproduce pattern being one of the

part of all the available reproduce patterns, and

wherein the predetermined reproduce pattern is employed for reproducing the

substantial data in two or less channels.

9. (Amended) An information reproducing apparatus for reproducing an information recording medium, wherein the information recording medium stores substantial data, first reproduce control information, and second reproduce control information; the first reproduce control information is required for reproducing the substantial data in a plurality of available reproduce patterns including a predetermined reproduce pattern; the predetermined reproduce pattern is employed for reproducing the substantial data in two or less channels; and the second reproduce control information is required for reproducing the substantial data in the

~~predetermined reproduce pattern; on which are recorded substantial data, first reproduce control information required for reproducing the substantial data in all available reproduce patterns, and second reproduce control information required for reproducing the substantial data in a portion of the available reproduce patterns;~~

said ~~player~~ the information reproducing apparatus comprising:

reading means for reading information from the information recording medium; and

reproduce processing means capable of reproducing the substantial data in ~~a portion of the available reproduce patterns~~ the predetermined reproduce pattern, wherein

said reproduce processing means acquires the second reproduce control information prior to any of the substantial data, stores the thus-acquired second reproduce control information into storage means, and plays back the substantial data on the basis of the second reproduce control information.

10. (Amended) The ~~player~~ information reproducing apparatus as defined in Claim 9, wherein

the substantial data are divided into one or a plurality of tracks and are defined as one or a plurality of titles, each corresponding to a logical set comprising one or the plurality of tracks;

the ~~player~~ information reproducing apparatus further ~~comprises~~ comprising means for specifying a track to be reproduced; and

the reproduce processing means acquires information relating to the thus-specified track from the second reproduce control information stored in the storage means.

11. (Amended) A signal embodied in a carrier wave comprising:
substantial data to be reproduced independently of one another, and
reproduce control information for reproducing the substantial data, the reproduce control
information comprising;

first reproduce control information required for reproducing the substantial data in
~~all a~~ plurality of available reproduce patterns; and

second reproduce control information required for reproducing the substantial
data in ~~a part of all the available reproduce patterns~~ a predetermined reproduce pattern which is
one of the available reproduce patterns;

wherein the predetermined reproduce pattern is employed for reproducing the substantial
data in two or less channels.

19. (Amended) The information recording medium as defined in Claim 1, wherein the
second reproduce control information is utilized for ~~a simple~~ an unsophisticated audio player.

20. (Amended) The signal as defined in ~~claim~~ Claim 11, wherein the second reproduce
control information is utilized for ~~a simple~~ an unsophisticated audio player.

Claims 21-26 are added as new claims.